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EXAMINER
VAN DOREN, BETH

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/474,974	SAMRA ET AL.
	Examiner	Art Unit	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-11,13-16 and 18-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-11, 13-16 and 18-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/29/99* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/19/04

has been entered.

2.   The following is a non-final office action in response to the request for continued

examination received on 04/19/04. Claims 1, 2, 11, 13-14, and 24-27 have been

amended. Claims 1-4, 6-11, 13-16, and 18-27 are now pending in this office action.

Drawings

3.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show

every feature of the invention specified in the claims. Therefore, the "predicted customer

profile", "determining a sequential order for combining the models to define the target

group", "combining the models in the determined sequential order" "an initial customer

group", "projected profitability" "a list including a high profit end, a moderate profit

section, and a low profit end" or "a profitability baseline" must be shown or the features

canceled from the claims. No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid

abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary, the

remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement

sheets may be necessary to show the renumbering of the remaining figures. The

replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per

37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes

are not accepted by the examiner, the applicant will be notified and informed of any

required corrective action in the next Office action. The objection to the drawings will

not be held in abeyance.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4, 6-11, 13-16, and 18-27 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the enablement requirement. The claims contains

subject matter which was not described in the specification in such a way as to enable one

skilled in the art to which it pertains, or with which it is most nearly connected, to make

and/or use the invention.

Specifically, the invention disclosed by the claims uses "the targeting engine to

determine a sequential order for combining the models to define the target group" and

combines "the models in the determined sequential order to define an initial customer

group, the initial customer group satisfying each of the combined models and rank

ordered by projected profitability […], the target group includes the customers included between the high profit end of the list and the profitability baseline". The specification of the Applicant discusses models being combined into multi-dimensional structures to allow views of risk, attrition, etc., a targeting engine combining models to create a score for each customer and generate a potential customer list (this list rank ordered using the scores to show profitable accounts), stacking structures of different campaigns in chronological order to discern trends in multiple marketing campaigns over time, performing trend analysis that determines changes in profitability of certain segments, and comparing original marketing campaign customer lists against marketing campaign results to construct gains charts, track model performance, and improve subsequent models. Examiner reiterates that the only recitation of a sequential order is with respect to chronologically ordering campaigns to identify trends in campaigns over time. Examiner further points out that the term "initial customer group" is not found anywhere in the specification.

Since the invention of the claims does not include any limitations directed towards campaign analysis and/or trend analysis, but rather recites that the sequential order determined and used to combine the models is for defining target and initial customer groups for a specific marketing campaign, examiner respectfully submits that the invention, as claimed, is not enabled because there is no specific direction provided by the applicant as to how to make or use the invention without undue experimentation. While the specification provides for models of predicted customer profiles, multiple models being linked to form a structure, and stacking structures chronologically to perform trend and campaign analysis, these features are not disclosed as such in the

claimed invention. Examiner believes that a critical feature of the invention (i.e. trend
and/or campaign analysis over time) is not recited in the claims. Examiner suggests
inclusion of this feature in order to enable the claimed invention and thus allow one of
skill in the art to make and use the invention without undue experimentation.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

Claims 1-4, 6-11, 13-16, and 18-27 are rejected under 35 U.S.C. 102(b) as being
anticipated by Jackson et al. (_Strategic Database Marketing_).

6.   As per claim 1, Jackson et al. discloses a method for increasing the efficiency of
marketing campaigns using a targeting engine for analyzing data input and generating
data output, said method including the steps of:

using historical data to determine a target group based upon a plurality of models
embedded within and executed by the targeting engine wherein each model is predicted
customer profile (See at least pages 28-29, 161-164, and page 173, section 1, page 174,
section 2, and page 184, section 1, wherein a database is maintained with past data about
customers (buying patterns, past purchases, time of purchases, etc.). Multiple models are
built using this historical data to predict customer behavior. For example, two models
would be built, one representing a customer's likelihood to respond to an offer, the
second representing the customer's risk factor);

using the targeting engine to determine a sequential order for combining the

models to define the target group (See at least 173, section 1, page 174, sections 1 and 2,

page 175, table 11-1, page 176, all, page 177, sections 1-4, page 181, sections 1 and 2,

page 182, all, page 183, section 1, and page 184, section 1, wherein the system

determines an process and order for bringing together the predicted customer profiles to

define a target group. The system arranges the profiled customers into a list separated

into, for example, deciles. Using these ordered deciles, a target group is defined);

combining the models in the determined sequential order to define an initial

customer group, the initial customer group satisfying each of the combined models and

rank ordered by projected profitability wherein projected profitability is based on at least

one of probable response by a customer to a marketing campaign, attrition of the

customer, and risk associated with the customer, the list includes a high profit end, a

moderate profit section, and a low profit end, the high profit end including customers

having a highest projected profitability, the low profit end including customers having a

lowest projected profitability, the moderate profit section including a profitability

baseline, wherein the determined sequential order maximizes a number of customers

included between the high profit end and the profitability baseline, the target group

includes customers included in the high profit end of the list and the profitability baseline

(See at least pages 162-163, page 173, section 1, page 174, sections 1 and 2, page 175,

table 11-1, page 176, all, page 177, sections 1-4, page 181, sections 1 and 2, page 182,

all, page 183, section 1, and page 184, section 1, wherein the predicted customer profiles

are brought together in order to define an initial grouping, rank ordered by probable

profitability based on the customer's probable response. The list is organized from high

profit to low and broken into sections. There is a profitability baseline that serves as a boundary for the target group. See specifically page 176, which discusses grouping customers by profitability and drawing a line between profitable and not profitable);

using the targeting engine to determine the profitability baseline for the marketing campaign wherein the profitability baseline defines marginal returns for a customer equal to zero (See at least pages 175 and 176, which discuss grouping customers by profitability and drawing a line between profitable and not profitable. The boundary lies where the return on marketing investments equals zero);

directing the marketing campaign towards the target group determined by the models (See page 174, section 2, page 176, all, and page 177, section 1, wherein the marketing campaign is directed towards the target group determined using the models).

7.   As per claim 2, Jackson et al. further discloses a method wherein said step of using historical data to determine a target group based upon a plurality of models further comprises the step of combining models to determine a depth of a targeted mailing that includes the target group (Segmentation is revealed as a way to manipulate the records in the database to produce relevant groups to target. On page 165, the 60-20 rule is revealed, explaining how about 20 percent of the records in the seemingly large database account for 80 percent of a company's business. Again, a method of market analysis using appropriate segmentation and modeling determines the appropriate depth of the database to target market. See page 162, page 174, section 2, page 176, all, and page 177, section 1, wherein modeling reveals to the marketer which segments to choose (the depth) based on the modeling. See also pages 184-185, which disclose the use of multiple models to properly fit marketing needs and properly predict customer behavior).

8.   As per claim 3, Jackson et al. teaches a method wherein said step of using

historical data to determine a target group based upon a plurality of models further

comprises the step of combining models to determine the likelihood of a customer

response (See pages 40-41 in which Jackson et al. discusses using an RFM, or recency,

frequency, and monetary, analysis that identifies the "best customers" with the best

buying potential and also performing a comparison analysis on these prediction models to

locate the segments of customers in the database with the best buying potential. See also

page 174 in which Jackson et al. discusses scoring models that predict how individuals

will behave in the future and their likelihood of response or purchase. See also pages

184-185, which disclose the use multiple models to properly fit marketing needs and

properly predict customer behavior).

9.   As per claim 4, Jackson et al. further discloses a method wherein said step of

using historical data to determine a target group based upon a plurality of models further

comprises the step of combining models to generate a potential customer list (See again

pages 40-43 which discusses creating a marketing list by identifying the best current

customers as well as identifying new customers to market products to. See page 174,

section 2, page 176, all, and page 177, section 1, wherein the customers are rated and

placed in an ordered list, and then potential customers are taken from this list. See also

pages 184-185, which disclose the use of multiple models to properly fit marketing needs

and properly predict customer behavior).

10.   As per claim 6, Jackson et al. discloses a method wherein said step of using

historical data to determine a target group based upon a plurality of models further

comprises the step of combining models to determine expected profitability per customer

of a marketing campaign (See pages 174-177 in which Jackson et al. discusses using scoring models to determine the profitability of each customer and then segmenting the customer database based on this information as well as the customer's likelihood of response. Each segment is evaluated as to its profitability. See also pages 184-185, which disclose the use of multiple models to properly fit marketing needs and properly predict customer behavior).

11.   As per claim 7, Jackson et al. teaches a method wherein said step of using historical data to determine a target group based upon a plurality of models further comprises the step of combining models to determine the expected profitability per product of a marketing campaign (See page 158-163, specifically page 163, which discusses modeling individual customers to conduct product segmentation which identifies target audiences that have the highest probability of purchasing the identified product, thus creating the most revenue. See page 180, section 1, and page 181, all, wherein the scoring models represent the expected profitability of a product. See also pages 184-185, which disclose the use of multiple models to properly fit marketing needs and properly predict customer behavior).

12.   As per claim 8, Jackson et al. discloses a method wherein said step of directing the marketing campaign towards the target group determined by the models further comprises the step of rank ordering accounts (See pages 173-177 in which modeling to predict future behavior of customers is disclosed. Specifically see page 174, which discusses using these models to rank every individual in the database based on his/her respective accounts and future buying potential).

13.	As per claim 9, Jackson et al. further discusses a method wherein said step of directing the marketing campaign toward the target group determined by the models further comprises the step of segmenting accounts based on customer demographics (See pages 158-163, specifically page 163, which discusses modeling individual customers to conduct demographic segmentation which ranks and sorts customers or ranks and sorts products and services based on attributes such as age, occupation, and marital status. See also page 177, section 4).

14.	As per claim 10, Jackson et al. further teaches a method wherein said step of directing the marketing campaign toward the target group determined by the models further comprises the step of identifying cross-sell targets (See page 44 in which Jackson et al. discusses matching the modeled predictive profiles of the customers in the database with the profiles of either products or other customers to locate cross-sell opportunities. See also pages 86-87, which again discusses identifying cross-sell targets based on profile information stored in the marketing database.).

15.	As per claim 11, Jackson et al. discloses a system configured to increase the efficiency of marketing campaigns, said system comprising:

a customer database which includes customer demographics and historical data (See at least pages 28-29, 161-164, and page 173, section 1, page 174, section 2, and page 184, section 1, wherein a database is maintained with past data about customers (buying patterns, past purchases, time of purchases, etc.). Multiple models are built using this historical data to predict customer behavior);

a targeting engine for analyzing data input and generating data output, said targeting engine having a plurality of models stored thereon wherein each model is

predicted customer profile, said targeting engine configured to access said historical data,

determine a sequential order for combining the models to define the target group, and

combine said models in the determined sequential order define an initial customer group,

the initial customer group satisfying each of the combined modes and rank ordered by

projected profitability wherein projected profitability is based on at least one of probable

response by a customer to a marketing campaign, attrition f the customer, and risk

associated with the customer, the list includes a high profit end, a moderate profit section,

and a low profit end, the high profit end including customers having a highest projected

profitability, the low profit end including customers having a lowest projected

profitability, the moderate profit section including a profitability baseline, wherein the

determined sequential order maximizes a number of customers included between the high

profit end and the profitability baseline, the target group includes customers included in

the high profit end of the list and the profitability baseline, said targeting engine further

configured to determine the profitability baseline for the marketing campaign wherein the

profitability baseline defines marginal returns for a customer equal to zero (See at least

pages 28-29, 161-164, and page 173, section 1, page 174, section 2, and page 184, section

1, wherein a database is maintained with past data about customers (buying patterns, past

purchases, time of purchases, etc.). Multiple models are built using this historical data to

predict customer behavior. For example, two models would be built, one representing a

customer's likelihood to respond to an offer, the second representing the customer's risk

factor. See at least pages 162-163, page 173, section 1, page 174, sections 1 and 2, page

175, table 11-1, page 176, all, page 177, sections 1-4, page 181, sections 1 and 2, page

182, all, page 183, section 1, and page 184, section 1, wherein the predicted customer

profiles are brought together in order to define an initial grouping, rank ordered by probable profitability based on the customer's probable response. The list is organized from high profit to low and broken into sections. There is a profitability baseline that serves as a boundary for the target group. See specifically page 176, which discusses grouping customers by profitability and drawing a line between profitable and not profitable); and

a graphical user interface for accessing a customer database and displaying data output including the target group (See pages 119-122 in which Jackson et al. discuss database processing systems, specifically database management systems, that create, modify, and control access to the information stored in the database. As shown in figure 8-3, reports are generated through the system. See also pages 130-135 which discusses system data structures and platforms employable for system implementation. Specifically, pages 133-134 disclose the use of server technology, including PCs with LAN access to a central storage unit. As it is well known in the area of server technology, these PCs would be equipped with GUIs. See also pages 156-157, which further discuss system data structures and platforms that include tools for counting, profiling, reporting, research, and other business planning using the data stored in the database. See pages 175 and 176).

16. As per claim 13, Jackson et al. discloses a system further configured to use historical data in said customer database to direct a marketing campaign towards the target group determined by the plurality of models (See again page 39, wherein Jackson et al. discusses directing database-driven marketing campaigns at the right customers. See also pages 158-165 which discusses segmenting the customer database into subsets

based on specific characteristics, these specific characteristics causing certain subgroups to be identified as more inclined to respond to a particular targeted marketing campaign. See also page 174, section 2, page 176, all, and page 177, section 1, wherein the marketing campaign is directed towards the target group determined using the models).

17.   As per claims 14-16 and 18-21, claims 14-16 and 18-21 are system versions of claims 2-4 and 6-9, respectively. Since the specification provides nothing more than a method implemented in a network environment, claims 14-16 and 18-21 are rejected on the same grounds as the method of claims 2-4 and 6-9, respectively.

18.   As per claim 22, Jackson et al. teaches a method wherein the step of using historical data to determine a target group further comprises the step of using historical data to determine a target group based upon a plurality of models embedded within and executed by the targeting engine wherein the targeting engine is further configured to determine a risk factor for the target group after combining each model (See page 184, section 1, and page 185, section 1, wherein the targeting engine determines the risk factor for the target group after each of the models is combined (the targeting engine computes the scores for the multiple scoring models by combining each of the multiple models in a specific order, such as the propensity to buy model is combined before the risk model. The risk factor is determined by combining the model for risk, combining the risk model in sequential order with the other models, and placing the customers in a ranked order and considering the weight of risk). For example, group 10 out of 10 groups will have the lowest risk factor, making them the least marketable decile).

19.   As per claim 23, Jackson et al. teaches a system wherein said targeting engine is further configured to determine a risk factor for the target group after combining each

model (See page 184, section 1, and page 185, section 1, wherein the targeting engine determines the risk factor for the target group after each of the models is combined (the targeting engine computes the scores for the multiple scoring models by combining each of the multiple models in a specific order, such as the propensity to buy model is combined before the risk model. The risk factor is determined by combining the model for risk, combining the risk model in sequential order with the other models, and placing the customers in a ranked order and considering the weight of risk). For example, group 10 out of 10 groups will have the lowest risk factor, making them the least marketable decile).

20. As per claim 24, Jackson et al. teaches a method wherein said step of using historical data to determine a target group further comprises the step of:

storing in a database historical data for a plurality of potential customers including for each potential customer at least one of an age, a gender, a marital status, an income, a transaction history, and a transaction measure (See page 173, section 1, page 174, sections 1 and 2, page 175, table 11-1, page 176, all, page 177, sections 1-4, page 179, sections 1 and 2, page 180, section 1, page 181, sections 1 and 2, page 182, all, page 183, section 1, page 184, section 1, and page 185, sections 1, wherein a database is maintained with past data about customers (buying patterns, past purchases, time of purchases, gender, etc.));

combining the models in the determined sequential order to define the initial customer group by applying a first model included in the determined sequential order to each of the plurality of potential customers included in the database to generate a first segment of only those potential customers satisfying the first model, applying a second

model included in the determined sequential order to the first segment to generate a second segment of only those potential customers satisfying the combination of the first and second models, and then applying each subsequent model included in the determined sequential order to a segment generated by the combination of each prior model (See page 177, sections 1-4, page 179, sections 1 and 2, page 180, section 1, page 181, sections 1 and 2, page 182, all, page 183, section 1, page 184, section 1, and page 185, sections 1, wherein a database is maintained with past data about customers (buying patterns, past purchases, time of purchases, etc.). Multiple models are built to predict customer behavior. For example, two models would be built, one representing a customer's likelihood to respond to an offer, the second representing the customer's risk factor. The plural models are combined by the targeting engine to determine a score for each customer and order the customers. See also pages 161 and 185, which discusses that the data of the models must be updated and rerun over time, therefore causing re-segmentation).

21.   As per claim 25, Jackson et al. teaches a method wherein said step of combining the models in the determined sequential order to define the initial customer group further comprises combining the models in the determined sequential order to determine a risk factor for each potential customer within the initial customer group See page 173, section 1, page 174, sections 1 and 2, page 175, table 11-1, page 176, all, page 177, sections 1-4, page 179, sections 1 and 2, page 180, section 1, page 181, sections 1 and 2, page 182, all, page 183, section 1, page 184, section 1, and page 185, sections 1, wherein the result of the targeting engine's combining is a risk factor (or aspect) being calculated and considered for each target grouping through the execution of the second model).

22.   As per claim 26, claim 26 is a system version of claims 24. Since the

specification provides nothing more than a method implemented in a network

environment, claim 26 is rejected on the same grounds as the method of claim 24.

23.   As per claim 27, claim 27 is a system version of claim 25. Since the specification

provides nothing more than a method implemented in a network environment, claim 27 is

rejected on the same grounds as the method of claim 25.

Response to Arguments

24.   Applicant's arguments with regards to the rejections based on Jackson et al.

(*Strategic Database Marketing*) have been fully considered, but they are not persuasive.

In the remarks, Applicant argues that Jackson et al. does not teach or suggest (1) using a

targeting engine to determine a sequential order for combining the models to define a

target group or (2) "combining the models in the determined sequential order to define an

initial customer group that includes a list of customers satisfying each of the combined

models and rank ordered by projected profitability [...]", (3) an initial customer group list

that has a high profit end, a moderate profit section, and a low profit end, the high profit

end including customers having a highest projected profitability, the low profit end

including customers having a lowest projected profitability, the moderate profit section

including a profitability baseline, wherein the determined sequential order maximizes a

number of customers included between the high profit end and the profitability baseline,

the target group includes customers included in the high profit end of the list and the

profitability baseline, or (4) using the targeting engine to determine the profitability

baseline for the marketing campaign wherein the profitability baseline defines marginal

returns for a customer equal to zero.

In response to argument (1) of the applicant, examiner respectfully disagrees. The claims disclose a plurality of models, each model being a predicted customer profile, and using the targeting engine to determine a sequential order for combining the models to define the target group. Jackson et al. does disclose predicted customer profile models being built using stored historical data. The system disclosed by Jackson et al. decides on an arranged order to bring together these models to identify the target group. See at least pages 173-177 and 184, wherein historical data and models are used to predict how a customer will behave in the future. These models are embedded with the historical data and give a view of the predicted customer profile. Once built, the models are brought together in a sequential order, as shown by table 11-1 on page 175. In this example, the initial customer group of claim 1 is the rank ordered list of the 240,000 customers modeled. The rank order is used to discern the more profitable customer segments from the less profitable segments so the user can maximize the return on marketing investment. By analyzing the predicted future profit, the user can identify the segments that cause a positive profit flow. The last segment that causes positive profit flow is identified as the boundary, the target group including the highest projected profitability group to this boundary group. Therefore, Examiner asserts that Jackson et al. does teach and suggest the limitation, as claimed.

In response to arguments (2) and (3) of the Applicant, Examiner points out that these limitations were added in the amendments and have been addressed above in the new rejections necessitated by amendment. Examiner further asserts that Jackson et al. does teach and suggest these limitations, as discussed in response to argument (1).

In response to argument (4) of the Applicant, Examiner respectfully disgrees and points out that the system of Jackson et al. identifies customers for marketing investment of resources based on the customers projected profitability. When a customer is grouped with customers that have a predicted positive profit flow (i.e. profit greater than zero), the customer is grouped into the target group. If a customer is grouped in with customers that have a negative profit flow (i.e. profit less than zero), the customer is not grouped in the target group. The profitability baseline (or boundary) is set based zero returns.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Skelly ("GE Capital's Global Play") teaches scrutinizing margins, future profits, and analysis of a company's customer base.

Gerace (U.S. 5,848,396) discloses targeted marketing campaigns to customers.

Anderson et al. (U.S. 5,974,396) teaches analyzing historical customer data to target customers for a future marketing campaign.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

bvd
July 13, 2004

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600